

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**ISHMAEL H. OBAMA,  
ADC #145160**

**PLAINTIFF**

**V. CASE NO. 5:18-cv-114-DPM-BD**

**WENDY KELLY, et al.**

**DEFENDANTS**

**RECOMMENDED DISPOSITION**

**I. Procedures for Filing Objections:**

This Recommended Disposition (“Recommendation”) has been sent to Judge D.P. Marshall Jr. Mr. Obama may file written objections to this Recommendation. Objections should be specific and should include the factual or legal basis for the objection.

To be considered, objections must be received in the office of the Court Clerk within 14 days of this Recommendation. If no objections are filed, Judge Marshall can adopt this Recommendation without independently reviewing the record. By not objecting, Mr. Obama may waive the right to appeal questions of fact.

**II. Discussion:**

On May 8, 2018, Plaintiff Ishmael H. Obama, an Arkansas Department of Correction (“ADC”) inmate, filed this action pro se under 42 U.S.C. § 1983. (Docket entry #2) Mr. Obama also moved to proceed *in forma pauperis* (“IFP”). (#1) Because of his litigation history, however, Mr. Obama is not eligible for IFP status in federal court

absent an allegation that he is in imminent danger of serious physical injury.<sup>1</sup>

In his complaint Mr. Obama alleges that on July 2, 2017, Defendant Stukey ordered that he undergo a thyroid test as a result of fluid retention. Since then, however, Mr. Obama has not received a follow-up appointment because he was not enrolled in chronic care. (#2, p.3 & 7) Mr. Obama attaches a medical report, dated August 16, 2017, that explains that the results of the July 14, 2017 test indicated that there was no clinical need for a follow-up appointment. (#2, p.13) In addition to his medical claim, Mr. Obama also attempts to bring unrelated claims on behalf of other inmates based on alleged unreasonable restrictions on Muslim inmates. (#2, p. 20-52)

Mr. Obama did not plead any facts indicating that he is in imminent danger of serious physical injury. For that reason, his motion to proceed IFP was denied. (#3) The Court gave Mr. Obama thirty days to pay the \$400 filing fee or face dismissal of his claims, without prejudice. To date, Mr. Obama has not paid the filing fee, as required in the Court's May 11 Order, and the time for doing so has passed.

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<sup>1</sup> The following dismissals constitute "strikes" against Mr. Obama (also known as Steven Donnell Cody) for purposes of determining eligibility for IFP status: *Cody v. Ark. Food Bank Network*, et al., E.D. Ark. Case No. 4:09-cv-89-GTE; *Cody, et al. v. Harris*, E.D. Ark. Case No. 4:09-cv-145-JLH; *Forrest, et al. v. Bowers, et al.*, E.D. Ark. Case No. 1:11-cv-26-JLH; *Obama v. Staley*, E.D. Ark. Case No. 4:16-cv-115-JLH .

**III. Conclusion:**

The Court recommends that Mr. Obama's claims be DISMISSED, without prejudice, based on his failure to comply with the Court's May 11, 2018 Order requiring him to pay the filing fee.

IT IS SO ORDERED, this 11th day of June, 2018.

  
UNITED STATES MAGISTRATE JUDGE